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October 7, 2021

Hon. Richard J. Sullivan
United States District Court
40 Foley Square
New York, N.Y. 10007
via ECF

Re: United States v. Tyrell Sumpter,
18 Cr. 373 (RJS)

Your Honor,

I write to follow up on my request for a brief adjournment of Tyrell Sumpter's Fatico hearing, currently scheduled for October 8, 2021. I have spoken with the witness Elydia Carswell, and confirmed that she is not able to appear and testify on October 8, 2021. She purchased a plane ticket some time ago and will be flying to Atlanta to visit a sick friend at 6:00 a.m. on October 8, 2021. Ms. Carswell received the witness subpoena and has confirmed that she will honor it by appearing to testify on a further date set by the Court.

In speaking with Ms. Carswell I confirmed that she is an eyewitness to the September 10, 2021 shooting on Eldert Street and thus has personal knowledge of what occurred. As she is the only available witness to this incident, Ms. Carswell is able to provide the Court with the most accurate and complete information about the shooting. Your Honor has indicated that the Court considers Mr. Sumpter's alleged involvement in this shooting to be a factor weighing in favor of a sentence higher than the ten years he is currently facing. Thus, the defense should be permitted to present evidence on that issue.

Therefore, I request that the Court adjourn the hearing to a date convenient to the Court and the parties so that Ms. Carswell can testify.

Respectfully,


Lisa Scolari

Lisa Scolari

IT IS HEREBY ORDERED THAT the October 8, 2021 sentencing hearing will proceed as scheduled. If Ms. Carswell's testimony is necessary after that hearing, the Court will select a subsequent date for Ms. Carswell to appear and testify.

SO ORDERED:

Date: October 7, 2021


Richard J. Sullivan
U.S.C.J., Sitting by Designation